

### REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-11 are pending, Claims 1, 8, 9 and 11 having been amended by way of the present amendment. Support for the present amendment is found at least at page 13, last paragraph, continuing to page 14, through line 18, and Figure 4. Therefore no new matter is added.

In the outstanding Office Action, Claims 1, 3, 5-6, 8-9 and 11 were indicated as being unpatentable over Blewett et al. (“Blewett”) in view of Halasz et al. (U.S. Patent No. 7,325,246, hereinafter “Halasz”); Claim 2 was rejected as being unpatentable over Blewett and Halasz and in further view of Ogle et al. (U.S. Patent 6,052,736, hereinafter “Ogle”); Claim 4 was rejected as being unpatentable over Blewett and Halasz and in further view of Beck (U.S. Patent No. 6,671,273); Claim 7 was rejected as being unpatentable over Blewett and Halasz in view of Winkler (U.S. Patent Publication No. 2003/0070100); and Claim 10 was rejected as being unpatentable over Blewett and Halasz in view of Koyanagi et al. (U.S. Patent Publication No. 2001/0013067, hereinafter “Koyanagi”).

In reply, each of the independent claims has been amended to (1) remove the language added in the amendment filed February 6, 2009, and (2) add language regarding a switcher configured to switch access to the detected network from the first connection to the second connection when a predetermined condition is determined to exist, and said switcher includes an icon display mechanism configured to produce an icon on a display that notifies a user that the switcher is an active process. Non-limiting support is found in the present specification, for example at page 13, last paragraph, continuing to the second full paragraph page 14, and Figure 4. Therefore no new matter is added.

By way of example, the information processing apparatus of Claim 1 includes means for managing settings for connectable networks as profiles on a network-by-network basis.

The apparatus includes detecting means for detecting a first connection to a detected network and means for determining whether the managing means manages a managed profile corresponding to the detected network when the first connection is detected. The apparatus also includes means for automatically establishing a second connection to the detected network based on the managed profile if the determination means determines that the managing means manages the managed profile corresponding to the detected network. The establishing means includes a switcher that is configured to switch access to the detected network from the first connection to the second connection when a predetermined condition is determined to exist. The switcher also includes an icon display mechanism configured to produce an icon on a display that notifies a user that the switcher is an active process.

Non-limiting support is found for example in the icon 72 in Figure 4. The icon 72 is displayed as part of a task tray 71 presented on the bottom right of a display 61, and indicates that the switching software is active. Since the switcher 51 is active, a user is able to recognize that the switcher 51 is available to the user to manipulate the icon 72 as a user sees fit [specification page 14, first full paragraph]. For example, if the user walks in a street where hotspots are ubiquitous, a terminal may frequently detect networks of the hot spots and may produce frequently new profiles, but the user may, or may not, choose not to register the profiles [page 54, second full paragraph]. Thus an advantage with this approach is an ability to automatically establish the second connection to the second network, and to be notified that the switcher is active so the user may choose to override the switcher or pre-empt the switcher from switching on a frequent or infrequent basis.

As discussed in the previously filed amendment, Blewett does not describe the “connection” to a detected network, where the is performed in two phases (specification, lines 22-23). Also, while Claim 1 requires “automatically establishing the second connection”, the Office relies on Blewett’s description of “automatically translate the

destination address and routes the packet to the proper host in the worknet”, citing column 8, lines 52-55. However, this description of “automatic” presumes a mere translation of a destination address so as to route packets to a proper host for the worknet, but otherwise does nothing for establishing a second connection to the detected network. Instead, a single connection to a single network was described.

The outstanding Office Action relies on Halasz to describe the first connection (Abstract) and a second connection being performed after being authorized via an authorization process (Abstract). However, this merely describes a two phase process for establishing a connection to a single network. The claim requires two connections, a first and a second to the detected network. Furthermore, neither Blewett nor Halasz teach or suggest the now claimed establishing means that includes a switcher configured to switch access to the detected network from the first connection to the second connection when a predetermined condition is determined to exist. Non-limiting examples of predetermined conditions are described for example at page 16 of the present specification. Furthermore, neither Blewett nor Halasz teach or suggest a switcher that includes an icon display mechanism configured to produce an icon on a display that notifies a user that the switcher is active. This feature is simply absent in the asserted prior art. As such it is respectfully submitted that not all the elements of amended Claim 1 are found in the asserted prior art and therefore amended Claim 1 patentably defines over the asserted prior art. Although of differing statutory class and/or scope, it is respectfully submitted that Claims 3, 5-6, 8-9 and 11 also patentably define over Blewett in view of Halasz.

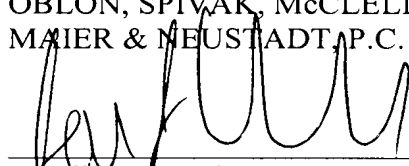
Claims 2, 4, 7 and 10, all dependent claims, are rejected based on tertiary references that do not disclose the switcher aspect of the independent claims from which they depend. As such, it is respectfully submitted that none of the prior art references, as asserted, teach or suggest all of the elements of the independent claims upon which Claims 2, 4, 7 and 10

depend. As such, it is respectfully submitted that these dependent claims also patentably define over the asserted prior art.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that Claims 1-11 patentably define over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
\_\_\_\_\_  
Bradley D. Lytle  
Registration No. 40,073

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

James J. Kulbaski  
Registration Number 34,648